

**KDHE Division of Environment
Overview
for
House Committee on Energy & Environment**

January 14, 2015

**John Mitchell, Director
KDHE Division of Environment**

Our Mission: To protect and improve the health and environment of all Kansans



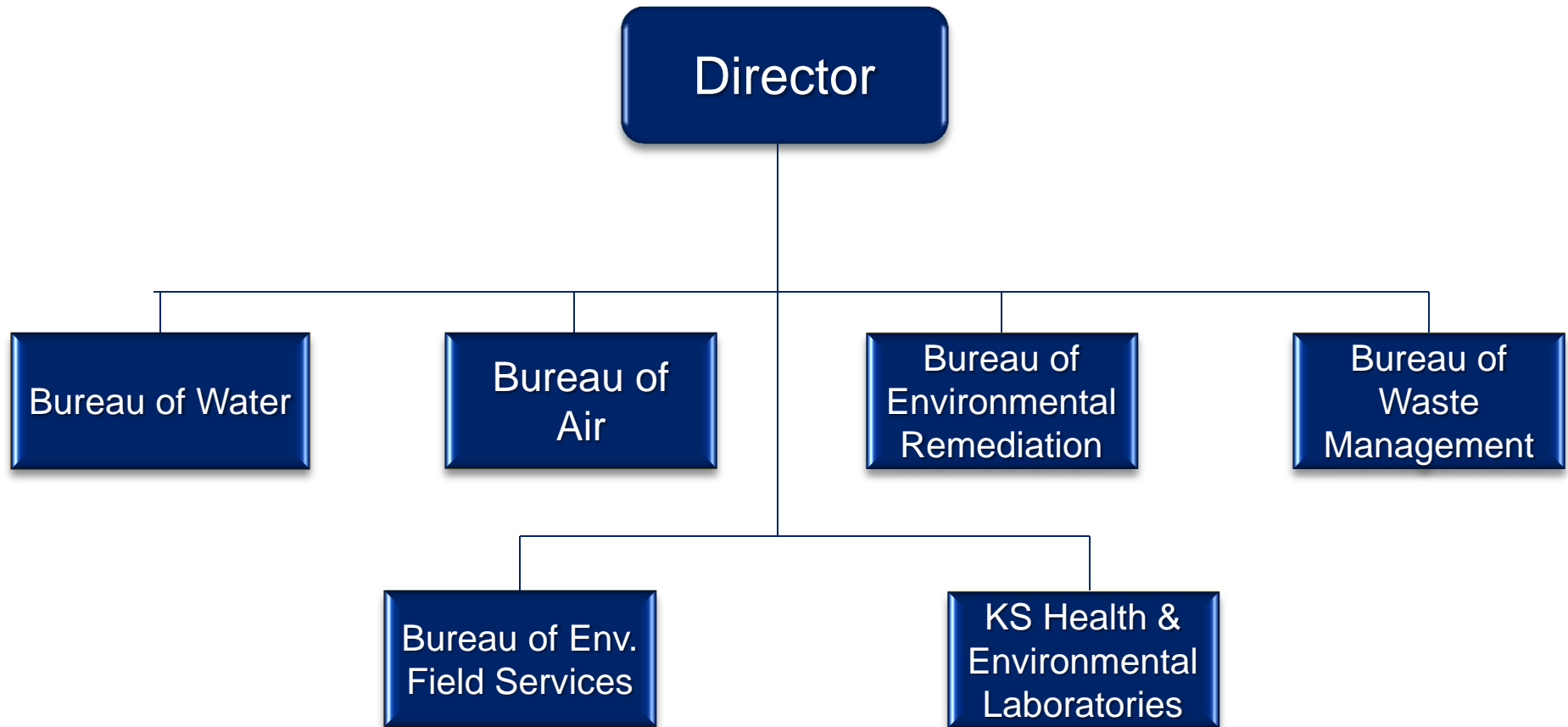
The Division of Environment Mission ...

- ◆ Implement environmental programs to achieve regulatory compliance and ensures that these programs are protective of public health and the environment
- ◆ Develop environmental policy responsive to the needs of Kansas citizens and the regulated community
- ◆ Provide Kansas citizens with accurate assessments of the environmental conditions of the state

The Division of Environment

- ◆ Regulation of:
- ◆ Municipal water and wastewater systems
- ◆ Industrial entities producing wastewater discharges
- ◆ County, city, and private landfill operations
- ◆ The waste streams of businesses producing industrial solvents and other chemicals
- ◆ Service stations and other businesses with buried and above ground tanks for petroleum storage
- ◆ Air pollution sources
- ◆ Public health laboratories
- ◆ Environmental laboratories

Division of Environment - 2015



Our Mission: To protect and improve the health and environment of all Kansans

Our Federal/State Role

- ◆ Major components of our air, waste, and water programs are based on both federal and state statutes
- ◆ Our public drinking water, wastewater, hazardous waste management, and clean air programs are delegated to KDHE to be run in lieu of an EPA program
- ◆ People of Kansas prefer to work with KDHE instead of federal regulators

Possible 2015 Legislative Initiatives

◆ Water

- Obtaining Statutory Authority for Issuing Water Quality Variances via NPDES Permits

◆ Waste

- Disposal of NORM and TENORM in Kansas Landfills
- Elimination of the Sunset Provision to Land-Spreading Authority for Oil and Gas Drilling Waste

Possible 2015 Legislative Initiatives

◆ Remediation

- Changes to Existing Voluntary Cleanup and Property Redevelopment Act
- Creation of a Voluntary Mechanism for Addressing Environmental Contamination of Property in a Cost Effective, Environmentally Protective Manner
- Creation of an Environmental Stewardship Fund

Bureau of Water Programs

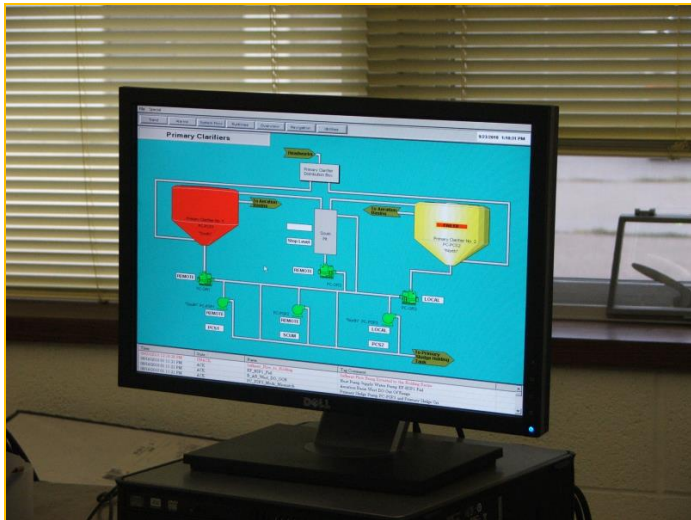
- ◆ Administer two major federal laws in lieu of EPA
 - Clean Water Act (CWA)
 - Wastewater permitting/compliance
 - Livestock waste permitting
 - Surface water quality standards/monitoring
 - Nonpoint source management
 - Total Maximum Daily Load (TMDL)
 - State Revolving Fund loan program (CWSRF)
 - Safe Drinking Water Act (SDWA)
 - Public Drinking Water Supply (PWS) permitting/compliance
 - State Revolving Fund loan program (DWSRF)
 - Underground Injection Control (UIC) permitting/compliance
- ◆ Receive state-matched grants from EPA to administer

Bureau of Water - 2015



Administration

- ◆ Permit review/Public notification
- ◆ WW compliance/enforcement
- ◆ WW data management
- ◆ Water/WW operator certification
- ◆ EPA coordination

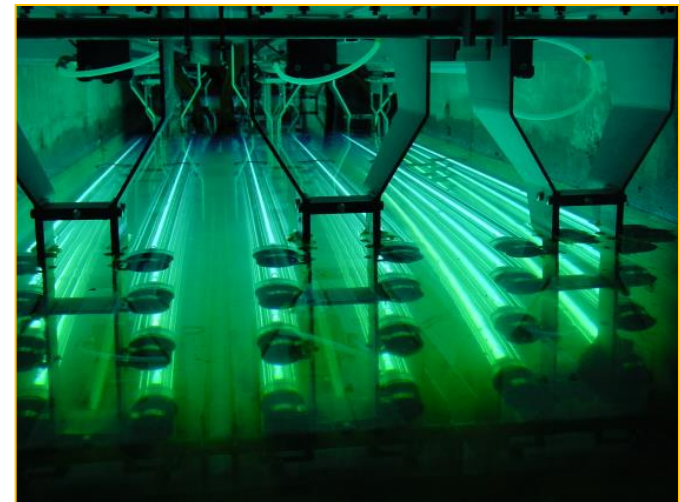
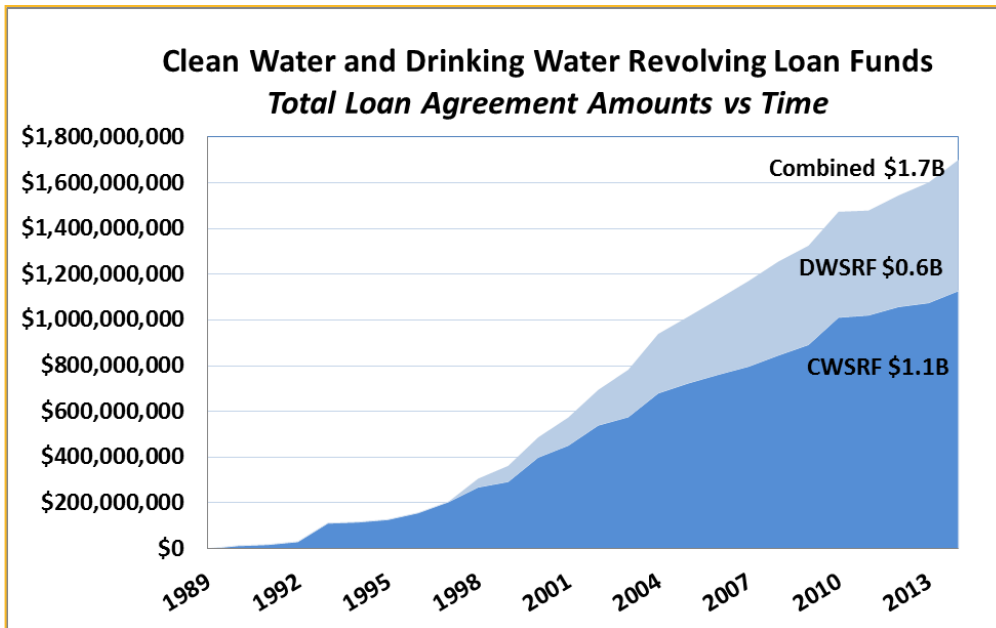


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Municipal Programs Section

- ◆ Municipal wastewater permits
 - 903 permits
- ◆ Municipal stormwater permits
 - 54 permits
- ◆ Clean Water State Revolving Fund



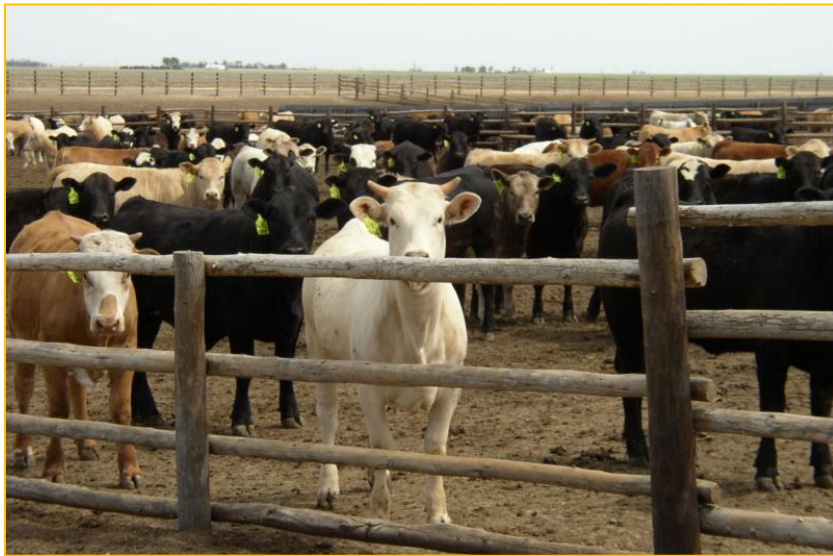
Watershed Planning, Monitoring, and Assessment Section

- ◆ Monitor surface water quality
- ◆ Develop Water Quality Standards
- ◆ Assess surface water for impairment
- ◆ Develop TMDLs



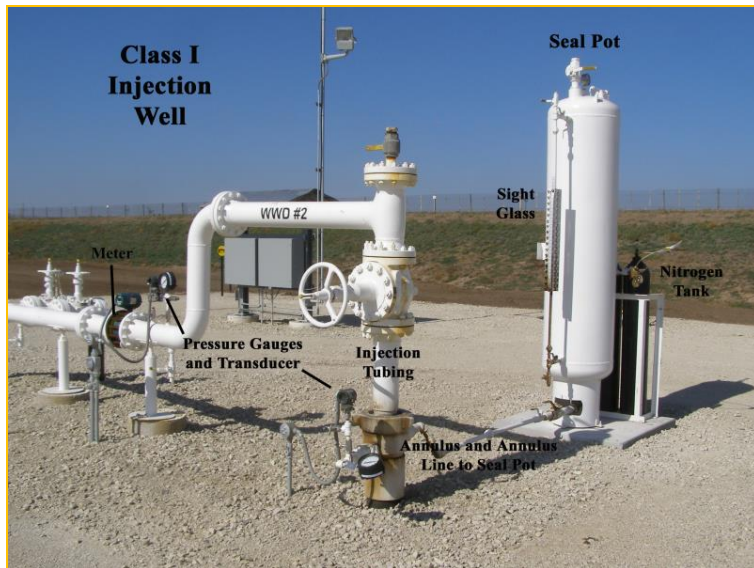
Livestock Waste Management Section

- ◆ Permit *Federal* CAFOs
 - 435 permits
- ◆ Permit *State* CAFOs
 - 1,334 permits
- ◆ Permit sale barns/truck washes



Geology Section

- ◆ UIC permitting and compliance
- ◆ Natural gas/petroleum storage in old salt caverns
- ◆ Water well driller licensing
- ◆ KCC coordination
- ◆ Odds and ends



Industrial Programs Section

- ◆ Permit industrial wastewater discharges
 - 604 permits
- ◆ Permit construction stormwater
 - 2,700 permits
- ◆ Manage pretreatment program



Public Water Supply Section

- ◆ Public drinking water permits, compliance, and enforcement
 - 1,011 facilities
- ◆ Drinking Water State Revolving Fund (DWSRF)



Watershed Management Section

- ◆ Nonpoint Source Management
- ◆ Watershed Restoration and Protection Strategies (WRAPS)
- ◆ Local Environmental Protection Program (LEPP)



Key Issues

- ◆ Waters of the US rule
- ◆ Ammonia criteria
- ◆ Nutrient Reduction Framework
- ◆ Staff support for the Governor's 50-year Vision for Water Supply
- ◆ State Seismicity Plan

Solid Waste Facility Permitting & Compliance

- ◆ MSW Small Arid Landfills (33)
- ◆ MSW Sub Title D Landfills (19)
- ◆ Industrial Landfills (38)
- ◆ C&D Landfills (97)
- ◆ Composting Facilities (167)
- ◆ Incinerators (1)
- ◆ Landfarms (2)
- ◆ Transfer Stations (66)
- ◆ Household Haz'd Waste (85)
Inspected one or more times per year



Hazardous Waste Facility Permitting & Compliance

55 Treatment, Storage, or Disposal Facilities

- ◆ Commercial Treatment/Incineration
- ◆ Military Bases
- ◆ Groundwater Monitoring
- ◆ Corrective Action/Clean-Up

Inspected one or more times per year



Hazardous Waste Generator Compliance

183 Large Quantity Generators
1600 Small Quantity Generators
Many thousands “small” generators

Compliance Issues

- ◆ Storage
- ◆ Labeling
- ◆ Shipping
- ◆ Recordkeeping
- ◆ Disposal
- ◆ Recycling
- ◆ Emergency Preparedness
- ◆ Training

Randomly inspected – about 350 per year



Waste Reduction/Diversion

Kansas Recycling Rate ~32% in 2014

Issues

- ◆ Public Education
- ◆ Technical Training
- ◆ “Kansas Don’t Spoil It”
- ◆ Waste Sweeps (School lab chemicals, pesticides, dioxins, mercury)
- ◆ Medication Take-Back Program
- ◆ Green Schools Program



Our Mission: To protect and improve the health and environment of all Kansans

Illegal Dump Clean-Up/City Dump Repairs/Orphan Wastes

- ◆ Cooperative state/county efforts
- ◆ Hundreds of illegal dumps cleaned
- ◆ Abandoned wastes disposed
- ◆ 900 old city dumps monitored
- ◆ Financial assistance to local governments



Special Waste Management

1600 Approvals, 500,000 tons per year

- ◆ Oil & gas drilling waste
- ◆ Landfill disposal authorizations
- ◆ Waste oil
- ◆ Medical (Ebola) waste
- ◆ Waste tires
- ◆ Wood waste
- ◆ Dead animals
- ◆ Asbestos
- ◆ Electronic waste



Natural Disaster Debris Management

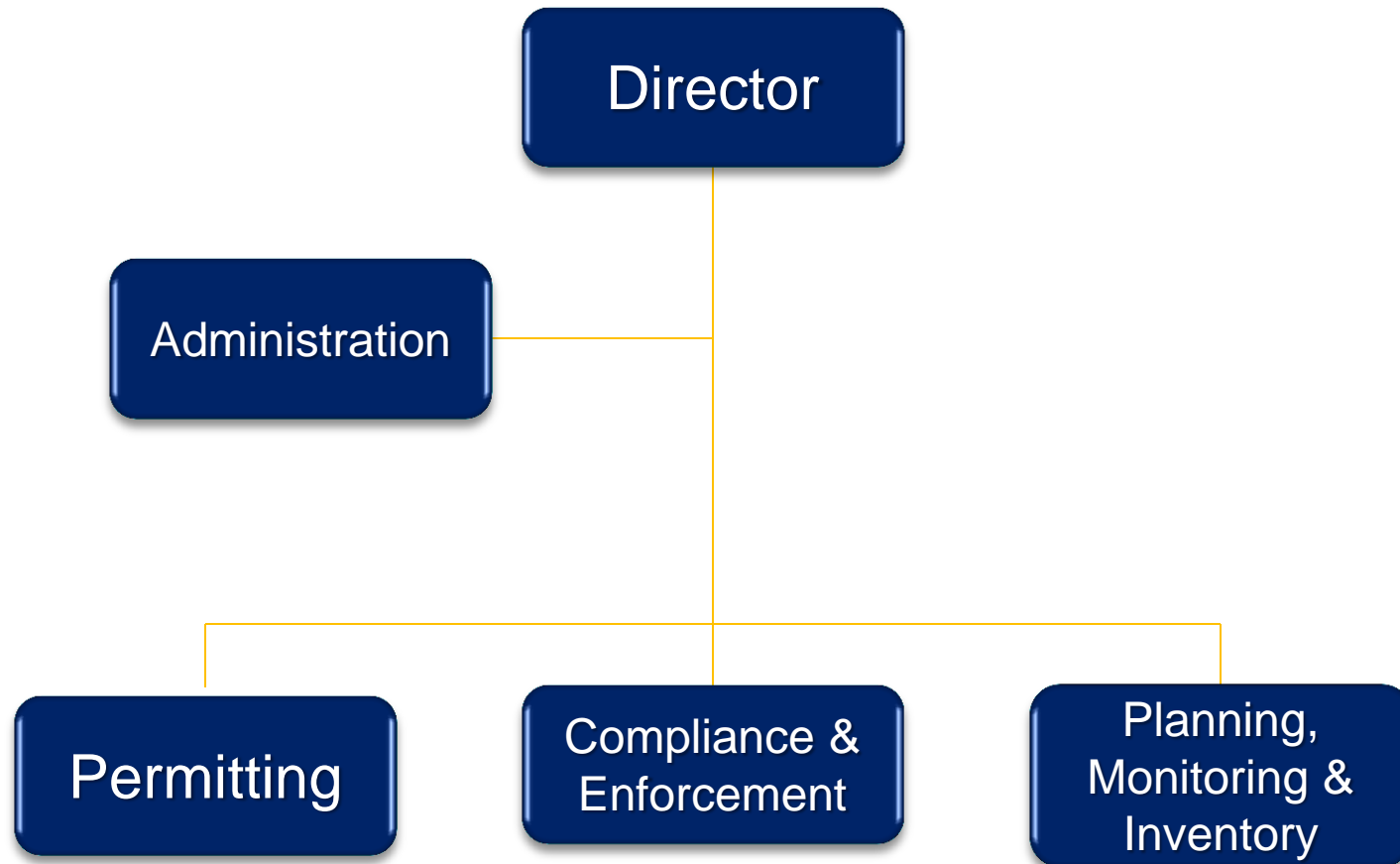
- ◆ Tornadoes, floods, ice storms, etc
- ◆ Guidance to KDEM and local officials
- ◆ Emergency disposal sites
- ◆ Waste segregation and recovery



Major Issues in 2015

- ◆ NORM/TENORM Disposal
- ◆ New landfill siting
- ◆ Disposal of oil & gas drilling waste
- ◆ Oversight of RCRA corrective action program
- ◆ Expand medication take-back program (controlled substances)
- ◆ Illegal dumping/burning of solid waste
- ◆ Reduced solid waste tonnage fee revenue
- ◆ Rural challenges/small landfills
- ◆ Ebola waste management and planning

Bureau of Air - 2015



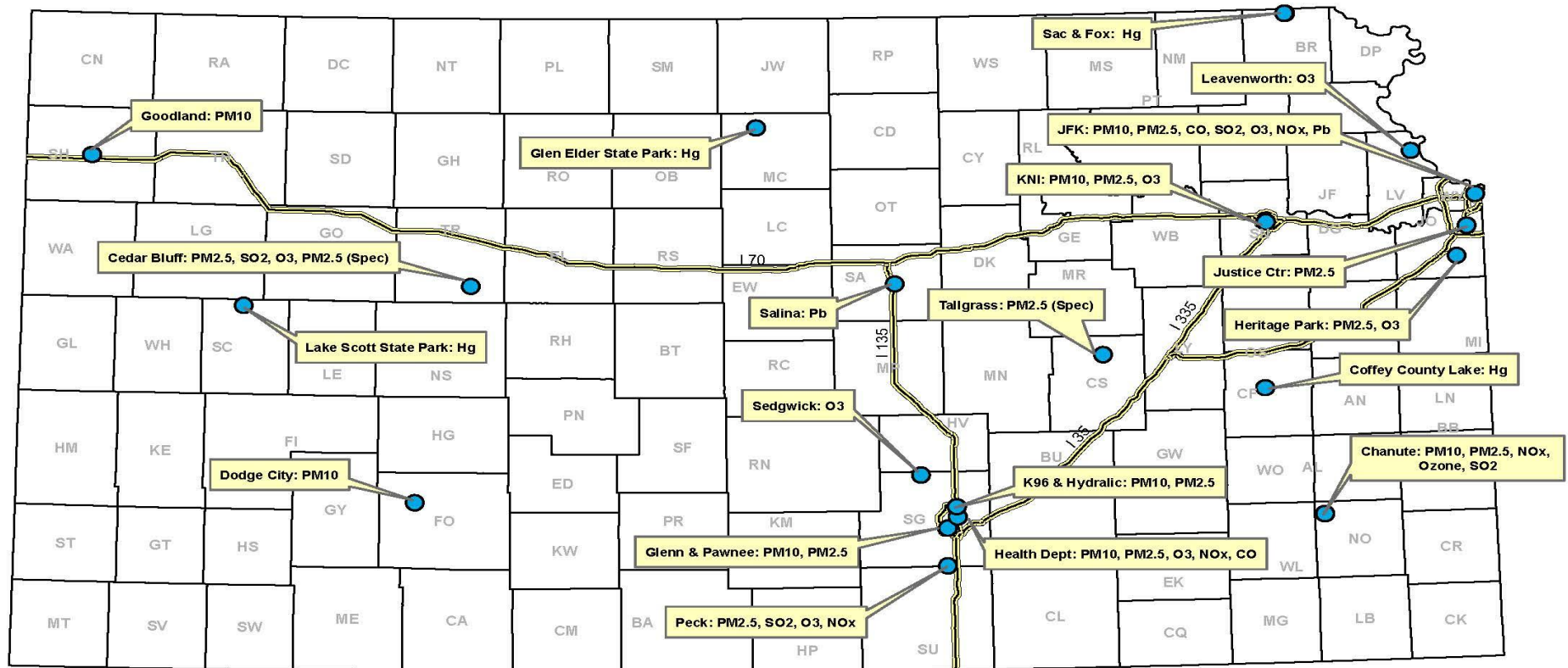
What we do

- ◆ Construction permits
- ◆ Operating permits
- ◆ Inspections
- ◆ Compliance and enforcement activities
- ◆ Planning and regulation development
- ◆ Ambient air monitoring
- ◆ Emission inventory development
- ◆ Outreach and education

Who we regulate

- ◆ Point Sources
- ◆ Non-Point Sources
- ◆ Mobile Sources

2015 Kansas Air Monitoring Sites



Current Air Quality Issues

- ◆ 111d (CO₂ from Power Plants)
- ◆ Ozone
- ◆ Flint Hills Smoke Management
- ◆ Cross State Air Pollution Rule (CSAPR)
- ◆ Permitting

CO₂ Standards for Existing Plants

- June 2014 – Proposed standards issued
- November 2014 – Kansas Submitted Comments
- June 2015 – Final standards due from EPA
- June 2016 – States submit Emission Guideline Plans
- Failure by KDHE to develop emissions guidelines will result in a Federal Implementation Plan

Standards for Existing Plants

- ◆ Kansas will be required to obtain a rate of 1499 lbs. CO₂/MW Hr. electricity produced
- ◆ Current rate for Kansas is 1940 lbs. CO₂/MW Hr.

KDHE's Comments to EPA's Proposed 111(d) Rule

Questions exist re: EPA's legal authority to:

- ◆ Regulate pollutants already regulated under CAA section 112
- ◆ Go beyond sources' fencelines

Building block 1 – Heat rate improvement of 6% too high

- ◆ Recommend 2% max

Building block 3 – Zero-emitting generation sources

- ◆ EPA erred re: RES applicability, calcs, and S Central Region's rate
- ◆ KDHE's ultimate corrected 2030 goal = 1,732 lbs. CO₂/MWh

Building block 4 – Energy efficiency (EE)

- ◆ EPA used inflated EE numbers

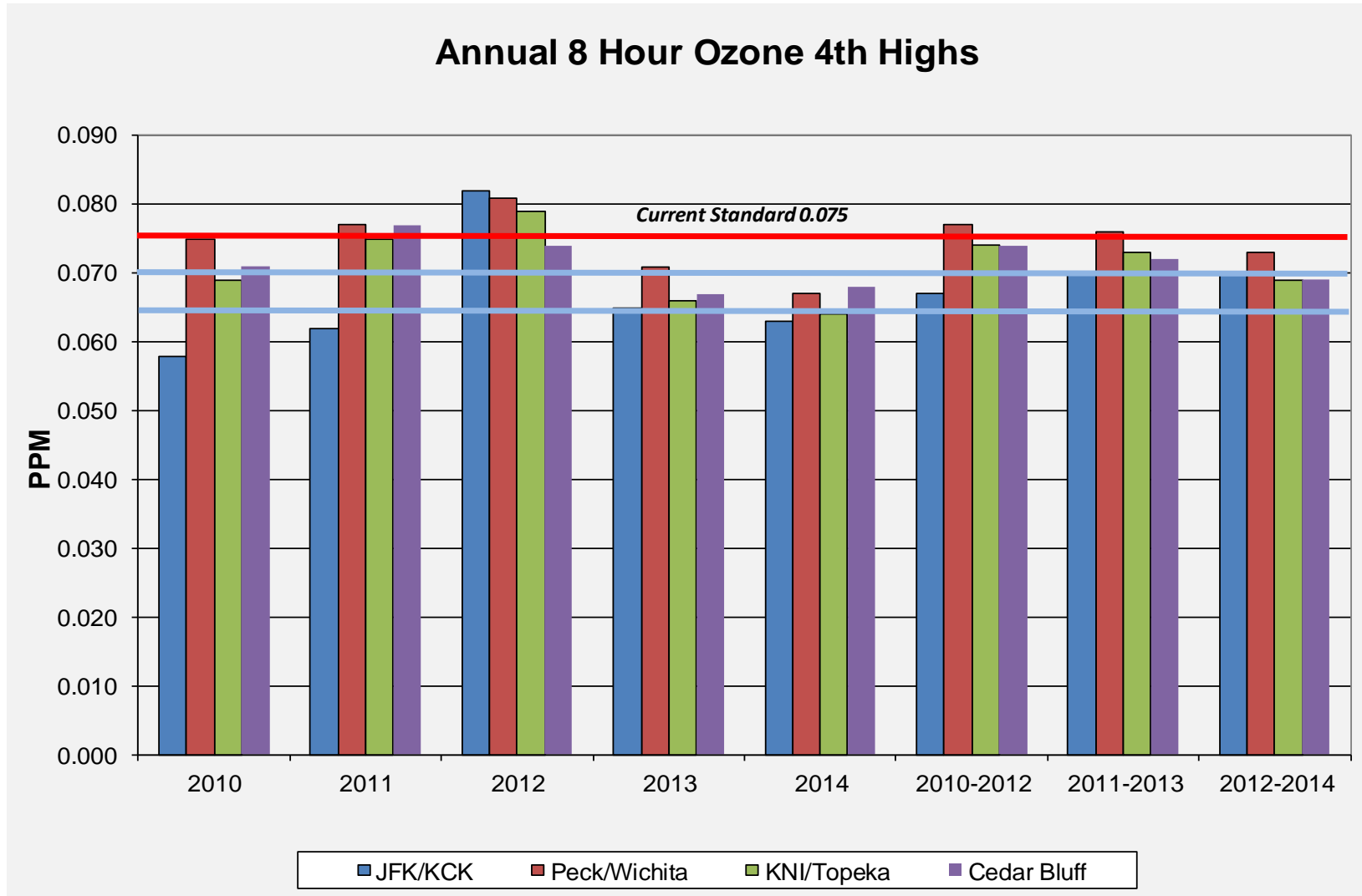
Additional concerns with proposed rule

- ◆ Goal calculation errors, goal setting/compliance inconsistency
- ◆ Interim goal too aggressive
- ◆ Potential stranded investments
- ◆ Exportation of wind resources

OZONE PROPOSAL

- ◆ Proposal on November 25, 2014
- ◆ 90-day comment period
 - Narrow scope of comments requested
- ◆ EPA proposed a 65-70 ppb standard
- ◆ Attainment problems widespread in Kansas across proposed range

Why are we concerned?



Smoke from Flint Hills Fires



- ◆ Total of 2.5 MM acres burned in 2014
- ◆ Three PM_{2.5} violations in Nebraska
- ◆ Two PM_{2.5} violations in Wichita



Key points

- ◆ KDHE recognizes the need to burn the tall grass prairie to maintain the ecosystem
- ◆ Smoke causing exceedences in cities can have serious economic impacts
- ◆ We are committed to working with the ag community to strike a balance
- ◆ Implementation of the plan will be a long-term process
- ◆ Plan was a collaborative effort among many groups

Cross-State Air Pollution Rule Update

- ◆ Final Rule signed on July 6, 2011.
- ◆ Affected power plant emissions that contribute to ozone and/or fine particle pollution in downwind states.
- ◆ Covers NO_x and SO_2 .
- ◆ Modified cap and trade program.
- ◆ KDHE worked with affected utilities to develop cost data, time problems and other issues.
- ◆ Kansas, other states and utilities petitioned for reconsideration.
- ◆ Stay of Rule granted December 2011 pending judicial review.
- ◆ CSAPR vacated and remanded to EPA by DC Appeals Court panel.
- ◆ EPA appealed to Supreme Court and won.
- ◆ Kansas was ultimately successful in buying time.

Construction Permit Documents 2004 -2014

Air Construction Permit Documents Issued to Industry

